

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

YOLANDE MARIE HERBERT,

Case No. 09-12314

Plaintiff,

Gerald E. Rosen
United States District Judge

vs.

DANNIE RAY BAKER, *et al.*,

Michael Hluchaniuk
United States Magistrate Judge

Defendants.

ORDER

IT IS HEREBY ORDERED that Plaintiff's Motion for Contempt is denied.

IT IS FURTHER ORDERED that the deposition of Attorney Kellie Howard-Goudy shall go forward. The Plaintiff has satisfied the requirements of Federal Rule Civil Procedure 26(b)(3)(A) in having the deposition conducted.

IT IS FURTHER ORDERED that Attorney Kellie Howard-Goudy owns a valid work product privilege regarding her mental impressions, conclusions, opinions and legal theories.

IT IS FURTHER ORDERED that Plaintiff owns "fact" work product and it is appropriate for Plaintiff's counsel to ask questions of the deponent regarding the facts

surrounding the stipulation and order of dismissal.

IT IS FURTHER ORDERED that the deposition of Attorney Kellie Howard-Goudy take place at a neutral site agreed upon between the parties.

Date: September 4, 2009

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on September 4, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Jeffrey G. Collins and Gina U. Puzzuoli, and I certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Dannie Ray Baker, # 698162, SAGINAW CORRECTIONAL FACILITY, 9625 Pierce Road, Freeland, MI 48623.

s/James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church Street
Flint, MI 48502
(810) 341-7850
pete_peltier@mied.uscourts.gov